

MESSAGE NO: 5144205 MESSAGE DATE: 05/24/2005

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-882

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 02/07/2005 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING AND LIQUIDATION ON REFINED BROWN
ALUMINUM OXIDE FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-882)

MESSAGE NO: 5144205

DATE: 05 24 2005

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 882

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PERIOD COVERED: 02 07 2005 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING AND LIQUIDATION ON REFINED
BROWN ALUMINUM OXIDE FROM THE PEOPLE'S REPUBLIC OF
CHINA (A-570-882)

1. ON 02/07/2005, IN RESPONSE TO A REQUEST BY COMETALS DIVISION
OF COMMERCIAL METALS COMPANY, THE DEPARTMENT OF COMMERCE ISSUED A

FINAL SCOPE RULING THAT BLACK ALUMINUM OXIDE IS NOT WITHIN THE
SCOPE OF THE ANTIDUMPING DUTY ORDER/FINDING COVERING REFINED
BROWN ALUMINUM OXIDE FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-882).

2. THE COMMERCE DEPARTMENT DETERMINED THAT BLACK ALUMINUM OXIDE

IS A SEPARATE PRODUCT FROM BROWN ALUMINUM OXIDE. THEREFORE, BLACK ALUMINUM OXIDE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING BROWN ALUMINUM OXIDE FROM THE PEOPLE'S REPUBLIC OF CHINA. THE SCOPE SHOULD NOW READ:

THE MERCHANDISE COVERED BY THIS INVESTIGATION IS GROUND, PULVERIZED, OR REFINED BROWN ARTIFICIAL CORUNDUM, ALSO KNOWN AS REFINED BROWN ALUMINUM OXIDE OR BROWN FUSED ALUMINA, IN GRIT SIZE OF 3/8 INCH OR LESS. EXCLUDED FROM THE SCOPE OF THE INVESTIGATION IS CRUDE ARTIFICIAL CORUNDUM IN WHICH PARTICLES WITH A DIAMETER GREATER THAN 3/8 INCH CONSTITUTE AT LEAST 50 PERCENT OF THE TOTAL WEIGHT OF THE ENTIRE BATCH. THE SCOPE INCLUDES BROWN ARTIFICIAL CORUNDUM IN WHICH PARTICLES WITH A DIAMETER GREATER THAN 3/8 INCH CONSTITUTE LESS THAN 50 PERCENT OF THE TOTAL WEIGHT OF THE BATCH. THE MERCHANDISE UNDER INVESTIGATION IS CURRENTLY CLASSIFIABLE UNDER SUBHEADING 2818.10.20.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

THE PRODUCT WE ARE FINDING OUTSIDE THE SCOPE OF THE ORDER IS "GROUND, PULVERIZED OR REFINED BLACK ALUMINUM OXIDE, ALSO KNOWN AS BLACK FUSED ALUMINA OR BLACK EMERY, WITH AN ALUMINUM OXIDE CONTENT OF 55-80 PERCENT."

3. EFFECTIVE 02/07/2005, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF BLACK ALUMINUM OXIDE LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE BLACK ALUMINUM OXIDE LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS

INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF REFINED BROWN ALUMINUM OXIDE SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING REFINED BROWN ALUMINUM OXIDE FROM THE PEOPLE'S REPUBLIC OF CHINA.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O8:CPS).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party